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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [BU](#)
SUBJECT: BULGARIA LAUNCHES PLAN TO REFORM JUDICIARY

REF: SOFIA 515

Classified By: CDA John Ordway for reasons 1.4 (b) and (d).

11. (SBU) Summary: On September 9, the Bulgarian government publicly released a 57-point action plan to address the 21 European Commission (EC) recommendations to improve rule of law. The action plan calls for increasing coordination and transparency in government, creating an anti-organized crime joint task force, and re-writing the criminal procedure code. The new center-right government has set an ambitious December deadline to complete this agenda, which will require extensive changes to legislation. Although the action plan is light on detail, the fact that the government has already taken concrete steps to implement EU and Embassy recommendations suggests this effort -- unlike the action plans of previous government -- may amount to more than just words on paper. End Summary.

IMPETUS FOR THE ACTION PLAN

12. (SBU) On July 22, the European Commission released a critical report citing Bulgaria's lack of progress on judicial reform and combating corruption and organized crime. The EC argues that Bulgaria has not gone after enough 'big fish,' and has not closed legal loopholes allowing criminals to indefinitely postpone cases. The EC made 21 recommendations, which closely parallel Post's four policy recommendations on anti-money laundering reform, asset forfeiture, organized crime task forces, and specialized courts (reftel). The Commission also urged the Bulgarian government to reform its criminal laws and procedures to better fight organized crime.

THE PLAN: THE POSITIVES

13. (SBU) The new GERB government's 57-point action plan, released September 9, sets a December deadline to implement judicial reform and strengthen anti-organized crime and corruption laws. On the positive side, the action plan sets legislative goals to reform the criminal procedure code, implements numerous auditing procedures to help prevent low-level corruption, and sets a short timeline to implement Post's recommended joint anti-corruption task force and improvements to the asset forfeiture and money laundering laws.

14. (SBU) The Bulgarian government has already made some tangible progress on many of these goals. A working group chaired by the Deputy Justice Minister is working on a draft of changes to the criminal procedure code, which if passed as

is, would increase the penalties for witnesses and experts who fail to appear in court (a popular tactic in organized crime cases), allow police testimony to be admissible in court, limit the number of lawyers representing a defendant, and increase the minimum punishments for guilty pleas. These changes to the criminal procedure code would likely speed up organized crime and corruption cases, which drag on for years in the current system. On another positive note, the Ministry of Interior, the State Agency for National Security (SANS), and the Prosecutor's office have already signed an agreement to launch a joint anti-corruption task force by October 1.

AND THE NEGATIVES

15. (C) On the negative side, many of the points in the new action plan are vague and short on specifics. At times the plan merely parrots verbatim the EC recommendations such as setting a November 15 deadline to adopt "an integrated strategy against organized crime and corruption." The plan also lists a number of easy to accomplish actions such as six points involving analysis and monitoring existing laws, five points requiring publicly publishing reports, four action points on holding meetings and organizing training, and at least 11 action points merely identifying laws to be amended. This document's laundry-list style lessens its usefulness and makes it look alarmingly similar to the previous Socialist government's 80 point rule of law action plan.

16. (C) Comment: The new action plan is geared toward showing progress ahead of the next interim EC report in January 2010. While its sometimes vague language and emphasis on quantity over quality raise questions about its overall effectiveness, the actions taken on rule of law issues so far lend confidence that this government means business. In the end, the new government will be judged not on the quality of its plan, but on its ability to speed up corruption cases, close legal loop holes, and prosecute previously untouchable organized crime figures. End Comment.

ORDWAY